

REMARKS

Listing of claims:

- Claims 1, 3, 8-15 and 18-38 are pending.
- Claims 2, 4-7, 16, 17 and 39-56 have been canceled.
- Claims 18, 19, 22 and 38 have been withdrawn as reciting non-elected inventions.

The Examiner at page 2 of the Restriction Requirement stated that the “application contains claims directed to the following patentably distinct species.

The method of claim 1 wherein the linker used is (a) or (b).

The species are independent or distinct because they have distinct amino acid sequences.”

Applicants hereby elect a linker of (a) a portion of the C β or C α region of a TCR wherein said C β or C α region is thirty amino acids or less with traverse. Claims 1, 3, 8-15 and 20-37 read on the elected species.

In the amendment of January 22, 2007, claim 1 was amended to insert the language corresponding to canceled, original, dependent claim 6, which recited:

“The method of claim 1 wherein said chimeric protein further comprises a linker region between said V α or V β region and said portion of an immunoglobulin constant region; wherein said linker regions is a portion of the C β or C α region of a TCR, but not the entire C β or C α region, or a synthetic linker region.”

The traversal is, firstly, on the grounds that in the original Restriction Requirement mailed April 22, 2003, the USPTO did not identify the linkers of claim 6 or 7 as patentably distinct species by classifying the linkers such as, for example, in different classes or subclasses or as having different amino acid sequences. Nor has the USPTO classified the linkers in different classes or subclasses in the Restriction Requirement mailed May 4, 2007.

Furthermore, the traversal is also on the grounds that *both linkers (a) and (b) currently recited in claim 1 (and previous claim 6) were searched and examined by the USPTO* in the Office Action mailed July 7, 2006.

Therefore, the USPTO has failed to demonstrate that any undue burden exists under MPEP §§ 802 and 803 in continued examination of two linkers that have previously been searched and examined.

Applicants respectfully request reconsideration and withdrawal of the species election and request full examination of the claims as currently recited.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance.

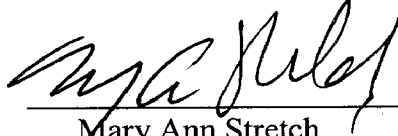
This amendment is filed on Friday, May 4, 2007. Applicants believe this amendment is timely filed within 1 month of the mailing date of the action; therefore, no fee is believed to be due in connection with this submission. However, if the Office determines that any fee is due, please charge Deposit Account No. 23-2415, referencing docket no. 30795-702.201.

If the Office believes, for any reason, that personal communication will expedite prosecution of this application, the Office is invited to telephone the undersigned at (858) 350-2300.

Respectfully submitted,

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